

REMARKS

As an initial matter, the Applicant thanks the Examiner for his thorough review of the present application. In the outstanding office action, the Examiner allows claims 14 and 15, in addition to the claims previously allowed, but again rejects claims 1-3, 6-9, 12, 13, 18 and 19 under § 102(b) based on Gardner et al. In response, the Applicant has again amended the rejected claims to clarify its invention. As discussed below, the Applicant believes that the amended claims are patentable over the cited reference and the Applicant respectfully requests reconsideration of the Examiner's rejections.

I. Claim Amendments

The Applicant has amended claims 1, 8, and 18 to include the limitation that the pivoting movement of the sear and pivot arm frame about their substantially arcuate paths does not result in the sear being displaced upward or downward, relative to the top and bottom of the pistol, in a substantially linear path. The claim amendments are fully supported in the specification and no new matter has been entered. The amendments are for clarification purposes only.

II. Claim Rejections under 35 U.S.C. § 102(b) of Claims 1-3, 6-9, 12, 13, 18 and 19 as being anticipated by Gardner et al.

The Examiner again rejects claims 1-3, 6-9, 12, 13, 18, and 19 under 35 U.S.C. § 102(b) for being anticipated by Gardner et al. As discussed below, the Applicant respectfully traverses the rejection applied to the pending amended claims and requests reconsideration.

According to MPEP 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citing *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Here, the Applicant submits that Gardner et al. does not expressly nor

inherently describe, teach or suggest each and every element of claims 1-3, 6-9, 12, 13, 18, and 19 as amended.

Specifically, Gardner et al. does not describe, teach or suggest the limitation of a firing mechanism wherein the pivoting movement of the sear and pivot arm frame about their substantially arcuate paths does not result in the sear being displaced upward or downward in a *substantially linear path*. Referring to FIG. 6 of Gardner, the sear 134 pivots about the pivot pin 170. The sear 134 can pivot about the pin forward and rearward relative to the front and rear of the gun. (Gardner, col. 7, lines 17-26). Significantly, the sear 134 and its pivot pin 170 also move upward and downward, relative to the top and bottom of a gun, in a substantially linear path through the movement of the sear arm 160 about the second pivot pin 172. (Col. 2, lines 38-62). This upward and downward movement of the sear 134 is substantially linear in that it is the result of the sear 134 being in contact with and moving along the forward cam surface 126, which, as can be readily appreciated, is linear. (FIGS. 6-9). Indeed, Gardner states that the sear 134 "rides against" the linear forward cam surface 126, which also governs the sear's upward and downward movement. (Col. 7, lines 1-54).

In view of the above, the Applicant believes that Gardner does not anticipate claims 1, 8 and 18 as amended. Claims 2-3, 6, 7, 9, 12, 13, and 19 all depend from the amended independent claims and are allowable for the foregoing reasons.


Conclusion

The Applicant believes it has traversed the Examiner's rejection and respectfully requests that the Examiner withdraw his rejection of claims 1-3, 6-9, 12, 13, 18, and 19 and pass all claims to issue.

If necessary, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 13-0235 for any required additional fees.

Please do not hesitate to call Applicants' attorneys at the number below if they may help expedite the prosecution of this application in any way.

Respectfully submitted,

By  _____
Kevin H. Vanderleeden
Registration No. 51,096
Attorney for Applicant(s)

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel: (860) 549-5290
Fax: (413) 733-4543

Customer No. 35301